

contacts and movement of senior UBCV clergy, including the Most Venerable Thich Huyen Quang, and the Most Venerable Thich Quang Do for refusing to join the state-sponsored Buddhist organizations, and the Government also continues to place leaders under "pagoda" and house arrest, destroy religious property, and harass and threaten local practicing Buddhists.

(E) The Government of Vietnam continues to suppress the activities of other religious adherents, including Cao Dai and Hoa Hao who lack official recognition or have chosen not to affiliate with the state-sanctioned groups, including through the use of detention and imprisonment.

(F) During Easter weekend in April 2004, thousands of Montagnards gathered to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities. Credible reports indicate that the protests were met with violent response as many demonstrators were arrested, injured, went into hiding, and that others were killed. Many of these Montagnards are still serving long sentences for their involvement in peaceful demonstrations in 2001 and 2004.

(G) Ethnic minority Hmong in the Northwest Highlands of Vietnam also suffer restrictions, abuses, and persecution by the Government of Vietnam, and although the Government is now allowing some Hmong Protestants to organize and conduct religious activity, some government officials continue to deny or ignore additional applications for registration.

(10) The Government of Vietnam controls all print and electronic media, including access to the Internet, jams the signals of some foreign radio stations, including Radio Free Asia, and has detained and imprisoned individuals who have posted or sent democracy-related materials via the Internet.

(11) People arrested in Vietnam because of their political or religious affiliations and activities often are not accorded due legal process as they lack full access to lawyers of their choice, may experience closed trials, have often been detained for years without trial, and have been subjected to the use of torture to admit crimes they did not commit or to falsely denounce their own leaders.

(12)(A) United States refugee resettlement programs, including the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, general resettlement of boat people from refugee camps throughout Southeast Asia, the Amerasian Homecoming Act of 1988, and the Priority One Refugee resettlement category have helped rescue Vietnamese nationals who have suffered persecution on account of their associations with the United States as well as Vietnamese nationals who have been persecuted because of race, religion, nationality, political opinion, or membership in a particular social group.

(B) While previous programs have served their purposes well, a significant number of eligible refugees from Vietnam were unfairly denied or excluded, including Amerasians, in some cases by vindictive or corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. In addition, the Government of Vietnam has denied passports to persons who the United States has found eligible for refugee admission.

(C) The Department of State has agreed to extend the September 30, 1994, registration deadline for former United States employees, "re-education" survivors, and surviving spouses of those who did not survive "re-education" camps to sign up for United States refugee programs, as well as the Vietnamese

In Country Priority One Program in Vietnam to provide protection to victims of recent persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(D) The former United States Immigration and Naturalization Service agreed to resume the processing of former United States employees under the U11 program, which had been unilaterally suspended by the United States Government, as well as to review applications of Amerasians, children of American servicemen left behind in Vietnam after the war ended in April 1975, for resettlement to the United States under the Amerasian Homecoming Act of 1988.

(13) Congress has passed numerous resolutions condemning human rights abuses in Vietnam, indicating that although there has been an expansion of relations with the Government of Vietnam, it should not be construed as approval of the ongoing and serious violations of fundamental human rights in Vietnam.

(14) Enhancement of relations between the United States and Vietnam has proved an opportunity for a human rights dialogue and could lead to future progress on human rights issues in Vietnam.

### SEC. 3. PURPOSE.

The purpose of this Act is to promote the development of freedom and democracy in Vietnam.

## TITLE I—PROHIBITION ON NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM

### SEC. 101. BILATERAL NONHUMANITARIAN ASSISTANCE.

#### (a) ASSISTANCE.—

(1) IN GENERAL.—Except as provided in subsection (b), United States nonhumanitarian assistance may not be provided to the Government of Vietnam in an amount exceeding the amount so provided for fiscal year 2007—

(A) for fiscal year 2008 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 501 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Vietnam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) the Government of Vietnam has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Vietnam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Vietnam has made substantial progress toward respecting the human rights of members of all ethnic minority groups; and

(E)(i) neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

#### (b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased nonhumanitarian assistance would promote the purpose of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (1) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

#### (c) DEFINITIONS.—In this section:

(1) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106-386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term "United States nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine;

(iii) assistance for refugees; and

(iv) assistance to combat HIV/AIDS, including any assistance under section 104A of that Act; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

## TITLE II—ASSISTANCE TO SUPPORT DEMOCRACY IN VIETNAM

### SEC. 201. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations and the Human Rights Defenders Fund, for the support of individuals and organizations to promote internationally recognized human rights in Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) \$2,000,000 for each of the fiscal years 2008 and 2009.

## TITLE III—UNITED STATES PUBLIC DIPLOMACY

### SEC. 301. RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Vietnam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) \$9,100,000 for the fiscal year 2008 and \$1,100,000 for fiscal year 2009.